

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

MAX ADVANCE LLC,

Chapter 7
Case No.: 8-24-71824 (LAS)

Debtor.
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**ORDER AUTHORIZING AND APPROVING THE RETENTION OF LAMONICA
HERBST & MANISCALCO, LLP AS COUNSEL FOR THE TRUSTEE**

Upon the application (“Application”)¹ of R. Kenneth Barnard, solely in his capacity as the Chapter 7 Trustee (“Trustee”) of the bankruptcy estate of Max Advance LLC (“Debtor”), seeking entry of an Order of the Bankruptcy Court, authorizing and approving the retention of LaMonica Herbst & Maniscalco, LLP (“LH&M”) as his counsel; and upon the Declaration of Joseph S. Maniscalco, Esq., a member of LH&M, which is attached to the Application; and based upon representations made in the Application and the Declaration that: (i) LH&M neither represents nor holds any interest adverse to the Trustee or to the Debtor’s estate; (ii) LH&M is a “disinterested person” as that term is defined in 11 U.S.C. § 101(14) (“Bankruptcy Code”); and (iii) the employment of LH&M is necessary and would be in the best interest of the Debtor’s estate; it is hereby

ORDERED, that the Application is granted to the extent provided herein; and it is further

ORDERED, that in accordance with Bankruptcy Code § 327, LH&M is authorized and empowered to represent the Trustee as his counsel; and it is further

¹ Capitalized terms not defined herein shall have the definition ascribed to them in the Application.

ORDERED, that LH&M is authorized and approved to provide the following services to the Trustee and the bankruptcy estate:

- i. Assist and advise the Trustee on motions and hearings before the Bankruptcy Court;
- ii. Assist the Trustee in connection with an investigation into the Debtor's financial affairs, including, but not limited to, potential fraudulent conveyance claims;
- iii. Review and analyze all motions filed with the Bankruptcy Court by third parties in this case;
- iv. Analyze claims filed in the estate and object to claims when necessary;
- v. Investigate and pursue, if necessary, avoidance claims and any other potential claims under other applicable law;
- vi. Perform legal work related to the marshaling and liquidation of the Debtor's assets;
- vii. Prepare, file, and prosecute, if necessary, Rule 2004 applications, subpoenas, and depositions; and
- viii. Perform other legal services which may be necessary to protect the interests of the estate; and it is further

ORDERED, that to the extent the Application is inconsistent with this Order, the terms of this Order shall govern; and it is further

ORDERED, that the Bankruptcy Court shall retain jurisdiction to hear and to determine all matters arising from or related to implementation of this Order; and it is further

ORDERED, that any increases in LH&M's rates for any individual employed by LH&M and providing services in these cases, LH&M shall file a supplemental affidavit with the Court and provide ten business days' notice to the United States Trustee. The supplemental affidavit shall explain the basis for the requested rate increases in accordance with section 330(a)(3)(F) of the Bankruptcy Code and state whether the Trustee has consented to the rate increase. The United

States Trustee retains all rights to object to any rate increase on all grounds, including, but not limited to, the reasonableness standard provided for in section 330 of the Bankruptcy Code; and it is further

ORDERED, that no compensation or reimbursement of expenses shall be paid to LH&M for professional services rendered to the Trustee, except upon proper application pursuant to Bankruptcy Code §§ 330 and 331, upon notice and a hearing and by further Order of this Court.

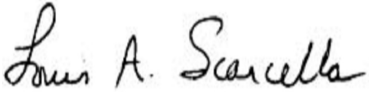
NO OBJECTION:

William K. Harrington
United States Trustee for Region 2

By /s/ Christine H. Black 8/13/24

Dated: August 14, 2024
Central Islip, New York




Louis A. Scarcella
United States Bankruptcy Judge